

STATE BOARD OF PARDONS AND PAROLES

Sioux Falls, South Dakota
November 12,15, 16, 17, and 18, 2021

Parole Board meetings were held on November 12,15, 16, 17, and 18, 2021 at various locations in the State of South Dakota. A Full Board meeting was held on Wednesday November 17, 2021 at the South Dakota State Penitentiary in Sioux Falls commencing 12:58PM with the following present.

Myron Rau, Board Chair
Gordy Swanson, Vice Chair
Ken Albers, Member
Gregg Gass, Member
Peter Lieberman, Member (Zoom)
Ed Ligtenberg, Member (Zoom)
Chuck Schroyer, Member
Rev. Patricia White Horse – Carda, Member (Zoom)
Brad Lewandowski, Director SD Board of Pardons and Paroles
Karena Cassidy, Senior Secretary
Stacy Cole, Corrections Analyst
Traci Fredrikson, Operations Supervisor
April Maeschen, Program Assistant I (Zoom)
Val McGovern, Corrections Specialist (Zoom)
Jessica Beeck, Corrections Analyst Intern
Rachel Boyer, Corrections Analyst Intern(Zoom)

Quorum Present? Yes

REPRESENTATIONS: Catherine Schlimgen, Staff Attorney representative, was available for questions.

SPECIAL GUESTS: Dusti Werner Risk Reduction Manager, Tom Lais, Senior Case Manager Riley DeGroot, Case Manager, Jerod Hettich, Case Manager, MiRanda Ward, Case Manager, Jerad Timmerman, Case Manager, Alexa Hanson Parole Agent, Jake Anderson, Parole Agent, Rachel Harms, Parole Agent, Olivia Rausch, Parole Agent.

HEARING PANELS: Board Member Aasen was unavailable Wednesday, November 17 and 18, 2021. There were no hearings held in the JPA MPR on Wednesday, November 15, 2021, Vice Chair Swanson conducted hearing in the JPA Visit Room with Board Member Ligtenberg.

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (EIGHT MEMBERS) IN SIOUX FALLS WEDNESDAY, NOVEMBER 17, 2021:

The following offender appeared before the full board for a Parole hearing. Vice Chair Swanson made a motion to grant parole. Board Member White Horse - Carda seconded the motion. All board members voting aye, the motion carried.

Scott Salge

The following offender appeared before the full board for a Parole hearing. Vice Chair Swanson made a motion to deny parole and set out 8 months. Board Member Ligtenberg seconded the motion. All board members voting aye, the motion carried.

Jimmy Sette-Frazier

The following offender appeared before the full board for a Parole hearing for a case review. Vice Chair Swanson made a motion to continue parole with the following conditions remaining in effect. -Continue in CTP -May utilize only Pre-approved routes to home and work. -No phone for 30 days, returned if approved by agent. 30 days to begin when released from detainment. -Polygraph in 60 days, then a review by board. -No unauthorized calls or other contact with former or current DOC staff. -Zero tolerance for any violations of parole or SOMP contract. Any violation is a violation of parole. -Must be Chaperoned while in the community excluding work and treatment. Board Member Ligtenberg seconded the motion. All board members voting aye, the motion carried.

Troy Haase

Sioux Falls, South Dakota
November 12,15, 16, 17, and 18, 2021

Parole Board meetings were held on November 12,15, 16, 17, and 18, 2021 at various locations in the State of South Dakota. A Full Board meeting was held on Thursday November 18, 2021 at the South Dakota State Penitentiary in Sioux Falls commencing at 8:03 AM with the following present.

Myron Rau, Board Chair
Gordy Swanson, Vice Chair
Ken Albers, Member
Gregg Gass, Member
Ed Ligtenberg
Chuck Schroyer, Member
Peter Lieberman, Member (Zoom)
Rev. Patricia White Horse – Carda, Member (Zoom)
Brad Lewandowski, Director SD Board of Pardons and Paroles
Karena Cassidy, Senior Secretary
Stacy Cole, Corrections Analyst
Traci Fredrikson, Operations Supervisor
April Maeschen, Program Assistant I
Val McGovern, Corrections Specialist
Jessica Beeck, Corrections Analyst Intern

Quorum Present? Yes

REPRESENTATIONS: Catherine Schlimgen, Staff Attorney was available for questions.

MINUTES: Board Member Schroyer made a motion to approve the minutes from the October 2021 meeting of the Board. Board Member Ligtenberg seconded the motion. All members voting aye; the motion carried.

SPECIAL GUESTS: Kayla Stucky, Field Director Parole Services, Liz Effling, Corrections Specialist, Riley DeGroot, Case Manager, Ian Miller, Case Manager, Jarod Hettoch, Case Manager, Alexa Hanson Parole Agent, Jake Anderson, Parole Agent, Rachel Harms, Parole Agent, Olivia Rausch, Parole Agent. The following attended over Zoom Terry Cummings, Staff Support (Pierre),

AGENDA ITEMS:

APPEARED/REVIEWED BEFORE THE FULL BOARD (EIGHT MEMBERS) IN SIOUX FALLS THURSDAY, NOVEMBER 18, 2021:

The following offender appeared before the full board for a Rescindment Parole hearing. Board Member Albers made a motion to not rescind parole. Vice Chair Swanson seconded the motion. Board Chair Rau and Board Members Ligtenberg, Schroyer, and Gass voting nay, all other board members voting aye, the motion died. A subsequent motion was made by Board Member Ligtenberg to rescind the parole granted in October. Board Member Gass seconded the motion. Vice Chair Swanson and Board Member Albers voting nay, all other board members voting aye, the motion carried.

Joseph Big Leggins

The following offender appeared for a paper review by the full board for an early/partial discharge. Board Member Ligtenberg made a motion to grant an early final discharge. Board Member Schroyer seconded the motion. All board members voting aye, the motion carried.

Todd Schmahl

The following offender appeared for a paper review by the full board for an early/partial discharge. Board Member Gass made a motion to grant an early/partial discharge of 3 years on each transaction. Board Member Schroyer seconded the motion. Board Member Ligtenberg voting nay. All other board members voting aye, the motion carried.

Richard Bauer

The following offender appeared for a paper review by the full board for an early/partial discharge. Board Member Albers made a motion to grant an early final discharge. Board Member Schroyer seconded the motion. Board Member Ligtenberg voting nay, all other board members voting aye, the motion carried.

Robert Albrecht

DIRECTOR'S REPORT: Director Lewandowski was available and updated the board on the following: Parole Board Office Parole Board Office The board received training on institutional classification from Rick Leslie and Dusti Werner in October. The office received 9 pardon applications in October and hearings are being scheduled four months out. The governor took no clemency actions in October. The early discharge paperwork was amended to be transaction specific; when all active transactions are concurrent, the board's decision applies to all transactions. When one or more transactions are consecutive, the transaction(s) the board wishes to act upon must be noted, generally the transaction with the TED furthest in the future. Board staff have taken on reviewing GTL tablet phone requests for inmates to help the institution while they deal with staffing issues. This work takes 20-25 hours a week.

DIRECTOR OF FIELD SERVICES REPORT: Kayla Stucky was available and updated the board on the following: Parole Board Office Southeast Region Staff Update: Agents utilized in the SE have a caseload average of 62.47. Agents utilized in the SE have a workload average of 102.12% Current staffing: Two vacant positions (SF: 1 agent, 1 support staff), 4 agents in training (SF); 1 support staff in training (SF). Interviews occurred for the support staff position. An applicant accepted and then rescinded the offer stating her minimum wage would be \$17.00/hour. Supervisor Smith and Director Stucky are working with BHR to explore possible options of marketing this position. Interviews occurred for the open agent position. A conditional offer was made and accepted, and the background/ polygraph are being completed and scheduled. Parole agent specialists continue conducting the Moving On class. The Southeast Region supervised 11 extended confinement cases. Northeast Region Staff Update: Agents utilized in the NE Region have an average caseload of 69.95. Agents utilized in the NE have an average workload of 110.22%. Current staffing: 2 agents in training (1 Watertown, 1 Pierre), 3 vacant positions (1 agent-Aberdeen/Watertown, 1 agent-Mitchell, 1 agent-Pierre). Interviews for the Pierre and Watertown/Aberdeen position occurred. A conditional offer has been accepted and polygraph/background passed for the Mitchell position. Jeremiah Kindrick will start 11/9/2021. Elaina Callahan started in the Mitchell Field Office on 10/25/2021 (support staff). Juvenile Corrections Agent Thury assists with supervision of 14 cases in the Watertown office. Juvenile Corrections Agent Shawn Davis is assisting with the supervision of 17 cases in the Mitchell office. The Northeast Region supervised 8 extended confinement cases. West Region Staff Update: Agents utilized in the West Region have an average caseload of 67.11. Agents utilized have an average workload of 99.79%. Current staffing: 2 agents in training, 1 vacant parole agent position. A conditional offer was rescinded, and another applicant is undergoing the background process in preparation for a conditional offer. Parole agent specialists continue conducting the Moving On class. The West Region supervised 16 extended confinement cases.

Break 8:54-9:15

LEGAL ISSUES: Catherine Schlimgen was available and provided the following updates for the board:

- Legislative update regarding non-compliance hearings
- No new appeals filed with Supreme Court
- 2 pending habeas

BOARD TRAINING: SDMF Tool by Traci Fredrikson

POLICY REVIEW: The following policies were reviewed, and changes approved; 8.1.A.1 – News Media and Camera, 8.1.A.8 – Financial Obligations, Restitution Hearings, 8.1.A.13 – Rescission of Parole Board Member Ligtenberg made a motion to approve the above policies. Board Member Gass seconded the motion. All members voting aye, the motion carried

RECUSALLS:

N/A

DECISIONS: Board Member Schroyer made a motion to ratify and affirm all decisions: Board Member Ligtenberg seconded the motion. All members voting aye; the motion carried.

ATTACHMENTS – DECISIONS: Please refer to the attached listing entitled Board Decisions for all parole violations, suspended sentence violations, non-compliance, discretionary parole, earned discharge, and rescission decisions made by the Board this month.

ADJOURNMENT: The meeting adjourned at 10:18 AM, Thursday, November 18, 2021. The next board meeting is scheduled for December 16, 2021 at 8:00 a.m.

SD BOARD OF PARDONS AND PAROLES

Myron Rau, Board Chair or Gordon Swanson, Vice Chair

Brad Lewandowski, Director

Submitted by:
Karena Cassidy
Senior Secretary